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SEP 28 2006

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## REMARKS

Claims 4-6 and 26-32 remain pending in the application. Claims 1-3 and 7-25 are cancelled.

Applicant's invention, an apparatus and method for editing audio visual streams, provides an efficient way to edit audio visual streams. According to the invention, a plurality of clients is connected with an editing server via a network. The editing server receives editing information from the clients that includes audio visual (AV) streams and editing operations to be performed on the AV stream. The editing server performs the editing operation, reduces the resolution to reduce network traffic and then transmits the edited AV stream to the client. Thus the editing server performs as an editing engine for each of the plurality of clients. The use of a single editing server for multiple clients reduces cost by eliminating the need to host editing hardware and software on each of the clients.

Claims 1-6, 18, 22, 26-29, 30-32 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Nakata et al* (U.S. 2003/0091329) in view of *Fujita et al* (U.S. 6,292,619).

Claims 1-3, 18, and 22 are cancelled herein. Applicant traverses the rejection.

As set forth in *In re Kahn*, 441 F.3d 977, 987-988 (Fed. Cir. 2006):

The motivation-suggestion-teaching test picks up where the analogous art test leaves off and informs the *Graham* analysis. [*Graham v. John Deere Co.*, 383 U.S. 1, 13-14 (1966).]

To reach a non-hindsight driven conclusion as to whether a person having ordinary skill in the art at the time of the invention would have viewed the subject matter as a whole to have been obvious in view of multiple references, the Board must provide some rationale, articulation, or reasoned basis to explain why the conclusion of obviousness is correct. The requirement of such an explanation is consistent with governing obviousness law. . . .

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A suggestion, teaching, or motivation to combine the relevant prior art teachings does not have to be found explicitly in the prior art, as "the teaching, motivation, or suggestion may be implicit from the prior art as a whole, rather than expressly stated in the references. . . . The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." However, rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. This requirement is as much rooted in the Administrative Procedure Act [for our review of Board determinations], which ensures due process and non-arbitrary decisionmaking, as it is in §103.

*Nakata* discloses a stand alone editing system for producing broadcast television programs quickly and easily (*Nakata*, Paragraph 6). A broadcasting station's daily server 6 supplies a video S7 and audio signal S8 to an editing processing unit 3 (*Nakata*, Paragraph 74). The editing processing unit 3, part of an editing apparatus 1, captures the video S7 and audio signal S8 for editing by an operator (*Nakata*, Paragraph 74). An operator edits the captured video S7 and audio signal S8 producing a broadcast television program (*Nakata*, Paragraph 87). The broadcast television program is then stored in an on air buffer 9 for broadcast (*Nakata*, Paragraph 108). Thus, the complete editing process is accomplished in a single stand alone editing apparatus 1 (*Nakata*, Figure 1). This is unlike Applicant's invention in which multiple client stations send audio visual files and editing operations to a single editor.

*Fujita* discloses an image editing system having multiple editing terminals 4 and a server 3 connected through a computer network 2 (*Fujita*, Figure 1). The server 3 has a redundant array of inexpensive disks (RAID) for storing video and sounds signals (*Fujita*, Column 2, Lines 45-47, 52-54). The stored video and sound signals are stored as image data on the server 3. The image data is retrieved by the editing terminals 4, edited, and then sent back to

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the server for storage (*Fujita*, Lines 23-25). The editing process is thus executed in each of the plurality of editing terminals 4. The server 3 serves as a data library storing multiple copies of image data for retrieval and editing by the editing terminals. This is unlike Applicant's invention in which multiple client stations send audio visual files and editing operations to a single editor.

Claims 4-6 and 30-32 recite an "editing information receiving unit (step) operable to receive editing information from a client out of a plurality of clients via a network wherein the editing information specifies an editing operation" and a "transmitting unit (step) operable to transmit each AV stream for which the editing operation has been performed to the client via a network." A single editing server thus acts as an editing engine for a plurality of clients. Clients send editing information to the editing server, the server "performs an editing operation" and the edited AV stream is sent back to the client. In *Nakata*, as explained above editing is accomplished in a standalone editing apparatus 1 without a plurality of clients specifying editing information. In *Fujita* a single server 3 acts as an audio visual storage device for a plurality of editing terminals 4 with editing operations occurring on multiple terminals. Thus the recited feature of a single editing server for a plurality of clients is not disclosed or suggested by *Nakata* or *Fujita*.

Applicant's editing server provides potential cost savings over a *Nakata* or *Fujita* system. *Nakata's* system is a standalone system for a sole operator and the system requires a complete package of audio visual editing hardware and software. To perform parallel editing operations multiple *Nakata* systems would need to be purchased. *Fujita's* system provides multiple editing stations for multiple operators with each editing station requiring a complete package of audio visual hardware and software. Thus multiple editing hardware and software packages are required increasing cost. Applicant's invention provides multiple editing stations for multiple

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operators requiring only one hardware and software package reducing the per operator cost of editing hardware and software.

Claims 4-6 and 30-32 also recite a size reducing unit (step) operable to reduce a resolution of the combined video frame. The Office Action asserts that *Nakata* in paragraphs 248-255 describes the combining of editing frames which generates a combined video resolution of the edited frames (Office Action, Page 5, Lines 16-18). The cited text, however, does not include any disclosure or suggestion that the resolution is reduced. The text describes the operation of the stand alone editing apparatus 1 but nowhere in the text is the reduction of resolution of a combined video frame mentioned.

Claims 26-30 recite an editing server configured to; store AV streams from a first and second editing client, receive instructions for editing the AV streams from first and second editing clients, and transmit the combined AV stream to first and second editing clients. The Office Action asserts that *Nakata* discloses receiving instructions from the first and second editing clients for editing the AV stream (Office Action, Page 8, Lines 18-22). The Office Action, however, cites a description of the Log Window (*Nakata*, Paragraph 192). The Log Window is one of *Nakata's* Graphical User Interfaces (GUI) (*Nakata*, Paragraph 168, 192). *Nakata's* GUI are all displayed on monitor 2B (*Nakata*, Figure 1, Paragraph 170). Monitor 2B is part of the stand alone editing apparatus 1 (*Nakata* Figure 1).

Using *Nakata's* system an operator makes editing selections using the GUIs displayed on monitor 2B (*Nakata*, Paragraph 170). Editing instructions are entered through a viewer window, a log window, a program window, and a device icon displayed on monitor 2B of the stand alone editing apparatus 1 (*Nakata*, Figure 1, 12-18, Paragraphs 169, 201, 222). All editing instructions

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originate from the standalone editing apparatus 1 and not from client stations. Thus *Nakata* fails to disclose or suggest that editing instructions are received from first and second clients.

New independent Claim 33 from Claim 26 adds a combination of structural features not recited in claim 26, nor suggested in the cited art. Claim 33 includes a storage unit 11 for storing AV data, a video effect producing unit 12, a video unit 13, an AV data management unit 14 a plurality of decoders 121-122 and a plurality of encoders 124 (Application, Page20-Line 24 - Page 21-Line 25).

For the reasons stated above, Applicant respectfully requests that the rejection be withdrawn. Applicant believes the application is now in condition for allowance and early notification of the same is hereby requested.

If the Examiner believes that a telephone conference would help further the prosecution of this matter, the undersigned attorney can be reached at the listed telephone number.

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